IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATLE JURISDICTION.

CRIMINAL APPLICATION NO. 1119 OF 2005
IN
CRIMINAL APPEAL NO. 495 OF 2004.

The State of Maharashtra..... . ..... Applicants.
V/s
Rajendra Krushanath Ghadage ....
Respondents.

Mr.D.R. More, APP for the State.

CORAM: V.G. PALSHIKAR
AND
R.C. CHAVAN, JJ.

28.6.2005

PC:

By this application the State seeks leave to appeal against the order of acquittal. The learned trial Judge on marshaling of the evidence has come to the conclusion that so called eye witness Makrand was a chance witness. There was serious discrepancy in the ocular testimony and the deposition of the doctor. There is possibility of position of the body being altered after the death and the over all effect of this appreciation of evidence was acquittal of the accused. Such appreciation after taking note of attending material circumstances cannot be called a perverse acquittal. Therefore no interference is called for. Application dismissed.